

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

DECISION AND ORDER
11-CR-404

PAUL J. HAVLEN, JR.,

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott for supervision of all pretrial proceedings. On March 26, 2012, Defendant Paul J. Havlen, Jr. filed a motion seeking suppression of his written and oral statements. (Dkt. No. 21) An evidentiary hearing was held before Magistrate Judge Scott on April 16, 2012. The parties had an opportunity to file post-hearing briefs. (Dkt. Nos. 28 and 29)

Magistrate Judge Scott then issued a Report and Recommendation recommending that defendant's motion to suppress his statements be denied. (Dkt. No. 30) On May 22, 2012, defendant submitted objections to the Magistrate Judge's Report and Recommendation. (Dkt. No. 31) On June 11, 2012, this Court issued a text order directing defendant to file a memorandum of law to supplement his prior objections by providing citations to the transcript of the evidentiary hearing. (Dkt. No. 35) Defendant filed amended objections on June 25, 2012. (Dkt. No. 36) The Government filed a response to defendant's

objections and defendant filed a reply. (Dkt. Nos. 37 and 39) Oral argument was held before this Court on March 13, 2013.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review and after reviewing the submissions of the parties and hearing oral argument, the Court adopts the proposed findings of the Report and Recommendation.¹

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion to suppress his written and oral statements is denied in all respects. The parties shall appear before this Court on April 4, 2013 at 9:00 am for a status conference and/or meeting to set trial date.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: April 2, 2013

¹ The Report and Recommendation also granted the Government's reciprocal motion for discovery from defendant. No appeal was filed from this portion of the Report and Recommendation.